

REMARKS

Claims 1 and 2 stand rejected under 35 USC 103(a) over Boucheron in view of Hayashi. Applicant has amended claim 1 to recite a cosmetic container (101) comprising: a through hole (121) formed in the hinge portion (113) and extending from a lower end of the hinge portion (113) towards the replacement cover (107), and a guide portion formed along a lower portion of the through hole (121), wherein the guide portion is configured to guide an operating item (C) inserted from the lower end of the hinge portion (113) to the tapered surface (126) of the engageable body (116b), and the tapered surface (126) of the engageable body (116b) is provided with an inclination configured to disengage the engageable body (116b) from the engaging body (116a) when the operating item (C) imposes a force upon the inclination. Fig. 2 illustrates an example of such a cosmetic container.

First, Boucheron and Hayashi do not disclose or suggest “a through hole formed in the hinge portion and extending from a lower end of the hinge portion towards the replacement cover” as recited in claim 1. As the Examiner has noted on page 2 of the Action, Boucheron “fails to teach a lid connected to the base by a hinge.” Since Boucheron does not disclose a lid or a hinge on the lid, Boucheron cannot possibly disclose a through hole *formed in* the hinge portion and extending from a lower end of the hinge portion towards the replacement cover as claimed. In addition, Boucheron and Hayashi do not provide any reason to modify Boucheron’s structure to include not just a hinge, but a hinge having a through hole with the claimed orientation inside the hinge portion.

In addition, while Hayashi discloses a hinge connection (15a), Hayashi does not disclose a through hole formed in its hinge connection (15a) and extending from a lower end of the hinge connection (15a) towards a replacement cover as claimed. In fact, at least for the preferred embodiment, the hinge connection (15a) appears to be made out of a thin plate wrapped around a rod, and Hayashi does not provide any teachings as to how to form and to orient a through hole from the lower end of such a hinge connection (15a) towards a replacement cover, or even towards

the top surface of the lid (14). Furthermore, since Hayashi does not even disclose a replacement cover, Hayashi does not provide a reason for having a through hole in its hinge connection (15a). Thus, none of the cited references discloses or suggests a through hole formed in the hinge portion and extending from a lower end of the hinge portion towards the replacement cover as claimed. Accordingly, applicant respectfully requests the Examiner to withdraw this rejection.

Second, Boucheron and Hayashi do not disclose or suggest “a guide portion formed along a lower portion of the through hole, wherein the guide portion is configured to guide an operating item inserted from the lower end of the hinge portion to the tapered surface of the engageable body, and the tapered surface of the engageable body is provided with an inclination configured to disengage the engageable body from the engaging body when the operating item imposes a force upon the inclination” as recited in claim 1. Since Boucheron does not suggest using an external force as provided by the operating item (C), to release its cover, but rather teaches a sliding and locking mechanism involving a reinforcing element (3) and curved locking components (16a, 16b), Boucheron does not disclose or suggest a guide portion that is configured to guide an operating item inserted from the lower end of the hinge portion to the tapered surface of the engageable body as claimed.

In addition, as shown in Fig. 4, the inclination provided on the tapered surface (126) of the engageable body (116b) is oriented in such a way that the engageable body (116b) will be released from the engaging body (116a) when an operating item imposes a force upon the inclination. Since Boucheron does not conceive of using an external object to impose a force on its curved locking components (16a, 16b), Boucheron cannot possibly disclose or suggest the tapered surface provided with the claimed inclination.

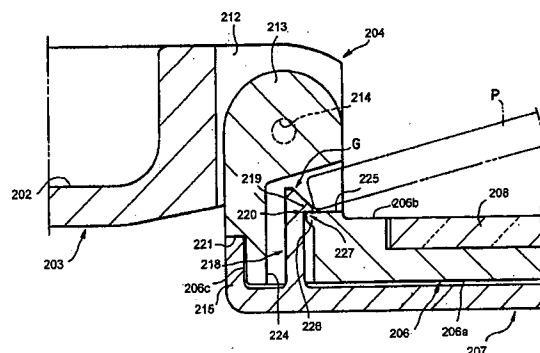
Similarly, Hayashi simply fails to disclose a through hole and, thus, fails to disclose or suggest a guide portion formed along a lower portion of the through hole that is configured to guide

an operating item inserted from the lower end of the hinge portion to the tapered surface of an engageable body as claimed.

In addition, while the slot (21) of Hayashi may be turned with a coin (Hayashi, Fig. 3), the coin cannot be thought of as an operating item (C) since the slot is not located inside a through hole like the claimed engageable body. Thus, there is no need for a guide portion to guide the operating item through a through hole as claimed. Furthermore, the slot does not have a tapered surface with an inclination oriented in such a way to release the engagement when a force is imposed by an operating item as claimed. Thus, Hayashi also fails to disclose or suggest the claimed guide portion.

Accordingly, none of the cited references discloses or suggests a guide portion formed along a lower portion of the through hole that is configured to guide an operating item inserted from the lower end of the hinge portion to the tapered surface of the engageable body as claimed, or disclose an inclination on a tapered surface that is oriented in such a way that a force imposed on the inclination will release the engagement. This provides a second reason to withdraw this rejection.

Applicant has amended claim 2 to recite a cosmetic container comprising: a first groove (224) recessed from an outer surface (206a) of the lid (206), and the second groove (225) recessed from an inner surface side of the lid (206) and communicating with the first groove (224), wherein the second groove (225) is configured to allow an operating force (P) to flexibly deform the engagable portion (219) to disengage the engageable portion (219) from the engaging portion (227), and the lid (206) is configured to cover an opening of the second groove (225) with the container body (203) when the lid (206) is closed and to expose the opening of the second groove (225) when the lid (206) is opened. Fig. 7 reproduced below illustrates a cosmetic container having a lid (206)



that is configured to expose the opening of the second groove (225) when it is opened.

First, Boucheron and Hayashi do not disclose a first groove recessed from an outer surface side of the lid and a second groove recessed from an inner surface of the lid and communicating with the first groove, wherein the second groove is configured to allow an operating force to flexibly deform the engageable portion to release the engagement as claimed. Since Boucheron does not even disclose a lid, it cannot possibly disclose an inner surface to a lid or a groove recessed from the inner side of the lid. Hayashi discloses a lid, but it does not disclose or suggest a groove, much less a groove configured to allow an operating force to flexibly deform an engageable portion to release the engagement as claimed. Since none of the cited references discloses a first groove and a second groove which communicates with the first groove and is configured to allow an operating force to flexibly deform an engageable portion to release the engagement as recited in claim 2, this rejection should be withdrawn.

Secondly, Boucheron and Hayashi do not disclose a “lid [that] is configured to cover an opening of the second groove *with the container body* when the lid is closed and to expose the opening of the second groove when the lid is opened” as claimed. This arrangement is important because, if the second groove opening on the inner surface side of the lid is not covered with the container body when the lid is closed, the cosmetic inside the container may slip into the second groove when the cosmetic container is being carried around. In addition, by having the groove opening exposed only when the lid is opened, the replacement cover is not likely to come off from the lid when the cosmetic container is being carried around.

Boucheron, not disclosing a lid at all, cannot possibly disclose or suggest a lid that covers a groove opening with a container body when the lid is closed as claimed. In addition, not disclosing any groove, Hayashi cannot possibly disclose or suggest a lid that is configured to conveniently cover and uncover the groove opening, much less a lid that is configured to cover the groove

opening with a container body when the lid is closed and to expose the groove opening when the lid is opened as recited in claim 2.

Since none of the cited references disclose a lid that is configured to expose a groove opening recessed from the inner surface side of the lid when the lid is opened and to cover the groove opening with a container body when the lid is closed as claimed, the claimed invention would not have been obvious in view of Boucheron and Hayashi. This provides a second reason to withdraw this rejection.

In view of the above, each of the presently pending claims in this application is in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 371312002300.

Dated: September 21, 2007

Respectfully submitted,

By S. Laura Chung
S. Laura Chung

Registration No.: 59,875
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
Telephone: (703) 760-7312
Facsimile: (703) 760-7777